

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

DAMIAN DESHAUM BLASCHKE

PLAINTIFF

v.

Civil No. 6:19-cv-06129

SHERIFF MIKE CASH, Sheriff,  
Hot Springs County; CHIEF DEPUTY RICHARD  
TOLLISON, Hot Springs County Detention  
Center; LT. LINGO, Jail Administrator Hot Springs  
County Detention Center

DEFENDANT

**ORDER**

Currently before the Court is Plaintiff's failure to obey a Court order and failure to prosecute this case. Plaintiff, Damian Deshaun Blaschke, filed his Complaint on November 22, 2019 in the Eastern District of Arkansas. (ECF No. 1). The case was transferred to this Court on November 22, 2019. (ECF No. 2).

On December 2, 2019, this Court entered an Order directing Plaintiff to file an Amended Complaint by December 23, 2019. (ECF No. 5). The Order notes that "[t]his case shall be subject to dismissal if Plaintiff fails to return the Amended Complaint to the Court by the deadline." *Id.* Plaintiff has failed to file an Amended Complaint by the deadline.

Although *pro se* pleadings are to be construed liberally, a *pro se* litigant is not excused from complying with substantive and procedural law. *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984). Additionally, the Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the grounds that the plaintiff failed to prosecute or failed to comply with orders of the court. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (stating that the district court possesses the power to dismiss *sua sponte* under Rule 41(b)). Pursuant to Rule

41(b), a district court has the power to dismiss an action based on “the plaintiff’s failure to comply with *any* court order.” *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (emphasis added).

Plaintiff has failed to obey an order of the Court and has failed to prosecute this matter. Pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 5.5(c)(2), Plaintiff’s Complaint (ECF No. 2) should be and hereby is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED THIS 10th day of January 2020.

/s/ Robert T. Dawson

ROBERT T. DAWSON  
SENIOR U.S. DISTRICT JUDGE